

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE Mr.JUSTICE G.JAYACHANDRAN

W.P.No.5124 of 2017

Joseph Antony

... Petitioner

Vs.

1.The Registrar,
The Central Administrative Tribunal,
High Court Buildings, Chennai - 600 - 104.

2.Chief Operation Manager (MAS)
Southern Railway,
Chennai - 600 003.

3.Chief Personnel Officer,
Personnel Branch, Headquarters Office,
Southern Railway,
Chennai - 600 003.

4.Senior Divisional Personnel Officer/MAS,
Personnel Branch, Headquarters Office,
Southern Railway, Chennai - 600 003.

5.Assistant Divisional Railway Manager/I/NAS
Divisional Office, Safety Branch,
Southern Railway, Chennai - 60 0003.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified mandamus, calling for the relevant records pertaining to the orders passed in O.A.No.310/01442 of 2015 dated 18.10.2016 on the file of the Registrar, CAT, Chennai and the impugned order in No.P(A)94/2008/846 dated 06.08.2015 passed by the third respondent herein and quash the same directing the respondents to restore the services of the petitioner to his original post of Motorman/Loco Pilot with all consequential service, monetary benefits.

For Petitioner : Mr.T.Kalaimani

For Respondents : Mr.P.T.Ramkumar,
Standing Counsel for R2 to R5
R1 - Tribunal

O R D E R

(Order of the Court was made by G.JAYACHANDRAN,J.)

The writ petition is directed against the order dated 18 October, 2016 in O.A.No.310/01442/2015, wherein, the Madras Bench of the Central Administrative Tribunal, has dismissed the Original Application filed by the petitioner, seeking to quash the order passed by the 3rd respondent and for a direction to restore him to the original post of Motorman/Loco Pilot with all consequential service and monetary benefits.

2. We have heard the learned counsel for the petitioner and the learned Standing Counsel appearing for respondents 2 to 5.

3. While working as Motor Man/Loco Pilot, Madras Division, the petitioner failed to obey the Signal, thereby, violated General Rules 3.78 (1)(a)(b) of the Railway Service (Conduct) Rules, 1966. For the above said lapse, the petitioner was issued with a charge sheet and after conducting enquiry, the Disciplinary Authority imposed the penalty of Compulsory Retirement from service with prospective effect. Thereafter, the petitioner preferred an appeal before the first respondent, which was sympathetically considered and taking into account his 19 years of unblemished service, the Appellate Authority modified the penalty of Compulsory Retirement to that of reversion of two grades (Shunter) i.e., from Rs.5500-9000 to Rs.4000-6000 with basic pay as Rs.4000/- till further orders on condition that the petitioner should not work on the mainline for two years. Thereafter, on his representation, his case has been considered and reduction of pay scale till further orders was confined to a period of two years and he has been given further promotion from LP Shunting Gr.II to LP Shunting Gr.I in the year 2014.

4. While so, after a lapse of 7 years, a representation has been given by the petitioner in the form of review for restoration to his parent cadre as Motorman and to re-consider his penalty as well. However, the same was rejected by the third respondent. Challenging the said order, the petitioner has filed original application before the Tribunal and the Tribunal rightly, dismissed the Original Application.

5. The request of the petitioner to restore him to the original post as Motorman Loco pilot cannot be entertained for the reason that it has been subjected to disciplinary proceedings and ended in compulsory retirement and later modified into reversion of two grades. Further, such a request or challenge has not been done immediately and it has been made after a lapse of 7 years. Even without considering all these aspects, if one go by the lapse committed by the petitioner, the punishment as modified appears to be very liberal and lenient and no further sympathy or leniency can be

shown to the petitioner by restoring to the original post as it will amount to no punishment at all. Therefore, we do not find any error or illegality in the order passed by the Tribunal warranting interference by this Court.

6. In view of the above, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar,
The Central Administrative Tribunal,
High Court Buildings, Chennai - 600 104.
- 2.The Chief Operation Manager (MAS)
Southern Railway,
Chennai - 600 003.
- 3.The Chief Personnel Officer,
Personnel Branch, Headquarters Office,
Southern Railway,
Chennai - 600 003.
- 4.The Senior Divisional Personnel Officer/MAS,
Personnel Branch, Headquarters Office,
Southern Railway, Chennai - 600 003.
- 5.The Assistant Divisional Railway Manager/I/NAS
Divisional Office, Safety Branch,
Southern Railway, Chennai - 600 003.

+1cc to Mr.T.Kalaimani, Advocate, S.R.No.51536
+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.51737

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CS IV
CA(30/08/2017)